

REMARKS

Upon entry of the foregoing Amendment, claims 1, 3-6, 8, 9, 11-14, 16, 17, 19-22, 24, and 35 are pending in the present application. No claims are amended, added, or cancelled. In view of the foregoing Amendment and following Remarks, allowance of all the pending claims is requested.

Rejections Under 35 U.S.C. § 102 Based on Faulkner

The Examiner has rejected claims 1, 3, 5, 6, 8, 9, 11, 13, 14, 16, 17, 19, 21, 22, 24, and 25 under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent Application Publication No. 2003/0208480 to Faulkner *et al.* (hereinafter "Faulkner"). Applicants traverse this rejection for at least the reason that Faulkner does not disclose all of the features of the claimed invention.

CLAIMS 1, 3, 5, 6, 8, 9, 11, 13, 14, 16, 17, 19, 21, 22, AND 24

For example, claim 1 includes, among other things, the feature of remotely retrieving real-time hardware information associated with the first network device based on the first location directive, the hardware information including information of one or more hardware characteristics, and dynamically presenting the real-time information through a display. Independent claims 9 and 17 include similar features.

The Examiner alleges that Faulkner discloses dynamically presenting the real-time information through a display at paragraphs [0023] and [0024], and at FIG. 6. See, *e.g.*, the 1/18/2006 Office Action at page 4. FIG. 6 appears to illustrate a display that shows SNMP data obtained from a network device. However, from the cited portion of the disclosure of Faulkner, it appears that this display is not updated dynamically as new "real-time" SNMP data is obtained. For instance, paragraphs [0023] and [0024] do not describe a display that is dynamically updated based on real-time information. For at least this reason, the rejection of claims 1, 9, and 17 based on Faulkner is improper and should be withdrawn.

Further, claims 3, 5, 6, 8, 11, 13, 14, 16, 19, 21, 22, and 24 depend from corresponding ones of claims 1, 9, and 17. Accordingly, the rejection of claims 3, 5, 6,

8, 11, 13, 14, 16, 19, 21, 22, and 24 based on Faulkner is improper, based on the dependency of these claims as well as for the features that they recite individually. For example, claims 6, 14, and 22 include the feature of a polling configuration file comprising an associated polling interval for each hardware characteristic. As another example, claims 8, 16, and 24 include the feature of the a first and a second window, the first window comprising a hierarchical tree structure of hardware characteristics, the second window comprising a tabular display of information associated with a hardware characteristic selected in the hierarchical tree structure. At least these features recited within claims 6, 8, 14, 16, 22, and 24 are not disclosed by Faulkner.

CLAIM 25

As another example, claim 25 includes the feature of polling the first network device based on a polling configuration file, the polling configuration file comprising an associated polling interval for each hardware characteristic retrieved. The Examiner alleges that Faulkner discloses this feature at paragraph [0024]. See, e.g., the 1/18/2006 Office Action at page 8. However, the cited portion of Faulkner merely describes saving the beginning and end of a single time period over which network performance has been monitored in the past. This is not analogous to the claimed feature at least because the cited passage in Faulkner only describes recording the beginning and end of a single monitoring period during which all of the relevant network performance data obtained. In contrast, the claimed feature includes a polling interval for each retrieved hardware characteristic. For at least this reason, the rejection of claim 25 is improper and should be withdrawn.

Rejections Under 35 U.S.C. § 103 Based on Faulkner and Fung

The Examiner has rejected claims 4, 12, and 20 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Faulkner in view of U.S. Patent Application Publication No. 2003/0200473 to Fung (hereinafter "Fung"). Applicants traverse these rejections at least on the grounds that (1) the cited references do not teach or suggest all of the features of the claimed invention, and/or (2) there is no legally proper motivation for combining the cited references.

For example, the portions of Fung relied upon by the Examiner fail to address the deficiencies of Faulkner as set forth above. Therefore, for at least the reasons previously provided, the rejection of these claims is improper and must be withdrawn.

Further, the combination of Fung and Faulkner constitutes legal error because there is no proper motivation for combining the references. The Examiner provides the following motivation for the combination:

It would have been obvious because Faulkner gives the DDF build up technology for each of the desired devices on the network to be monitored while Fung just shows what to monitor with suggesting that these parameters can also be retrieved through the industry's standard SNMP MIB. The 1/18/2006 Office Action at page 9.

This motivation is improper because it includes synopses of some allegedly relevant features of Faulkner and Fung without ever providing a specific teaching of the desirability of the proposed combination. See *In re Sang Su Lee*, 277 F.3d 1338, 61 U.S.P.Q.2d 1430 (Fed.Cir. 2002). As a result, the motivational statement included in the 1/18/2006 Office Action amounts to impermissible "hindsight." See *id.* For at least this reason the rejection of claims 4, 12, and 20 is improper and must be withdrawn.


CONCLUSION

Having addressed each of the foregoing rejections, it is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, the application is in condition for allowance. Notice to that effect is respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

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Respectfully submitted,


D. Benjamin Esplin (Reg. No. 58,297)
For: Rick A. Toering
Reg. No. 43,195

Customer No. 00909

PILLSBURY WINTHROP
SHAW PITTMAN LLP
P.O. Box 10500
McLean, Virginia 22102
Main: 703-770-7900
Direct Dial: 703-770-7620
Fax: 703-770-7901